

Remarks

Upon entry of the present amendment, claims 1-2, 4, 8-9, 19-26 and 43-51 will be pending. Applicants note that the Office Action Summary does not indicate that claim 51 is pending, although such is acknowledged on page 2 of the Final Office Action under "Detailed Action", and therefore respectfully requests clarification.

Claim 1 has been amended to further clarify the subject invention. Support may be found on, for example, page 12, line 33, Section 5.1 of the present specification, thus no new matter has been introduced.

As discussed on page 2 of the Office Action, Applicants gratefully acknowledge the Patent Office's withdrawal of objections.

On page 3 of the Office Action, all the pending claims 1-2, 4, 8-9, 19-26 and 43-51 have been rejected because of an alleged failure to comply with 35 U.S.C. § 112, first paragraph, written description. Applicants respectfully disagree and traverse.

The Patent Office asserts that the specification fails to disclose which amino acid [residues] position can be substituted with which amino acid residues to confer the claimed resistance to heat degradation. Applicants respectfully disagree and submit that one of skill in the art would easily recognize that Applicants have possession of the claimed genus based upon the detailed description in the specification. Support for this is found throughout the present specification, for example, at page 3, lines 25 to 33; page 6, lines 31-33; page 7 lines 3-5; page 17, lines 11-15; page 20, Table 6; page 21, lines 20-24 of the present specification. In sum, such disclosure represents a detailed number of representative species of the genus of claimed modified IgG's. Therefore, one of skill in the art would immediately envision that Applicants had possession of the claimed invention based upon the written description of the specification and Applicants respectfully request reconsideration and withdrawal of the present rejection.

On page 9 of the Office Action, all the pending claims 1-2, 4, 8-9, 19-26 and 43-51 have been rejected because of an alleged failure to comply with 35 U.S.C. § 112, first paragraph, enablement. Applicants respectfully disagree and traverse essentially for the same reasons already made of record (see Applicants' Response filed April 15, 2008). Applicants note that, as discussed above, the specification clearly teaches which residues may be substituted to produce a modified IgG with increased heat resistance and stability, as claimed. Coupled with the specification's teachings of how one of skill can substitute such amino acids (see, for example, section 5.3.1 of the present specification) as well as how one can test for improved stability (see, for example, section 5.2 of the present specification), one of skill in the art is not left to "guess" at which modifications need to be made in order to achieve improved resistance to heat degradation. Since the present specification fully enables the invention as now claimed, Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

Applicants believe that the present claims meet all of the requirements for patentability. Entry and consideration of the foregoing amendment and remarks are respectfully requested. If a telephone interview would be of assistance in advancing prosecution of the subject application, the undersigned invites the Patent Office to phone her at the number provided below. If any additional fees, beyond those directed for payment are necessary, please charge any required fee to Deposit Account No. 500479.

Respectfully submitted,

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